

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9269 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PARSHOTTAMBHAI AMBALAL PATEL

Versus

FAKIRJI MAFAJI THAKOR

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Appearance:

MR AJ PATEL for Petitioners  
MR JC VYAS for Respondent No. 1  
MR DP JOSHI AGP for Respondent No. 2.

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 11/12/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. Janak Vyas, learned advocate appearing for respondent No.1 and Mr. D.P. Joshi, learned Assistant Government Pleader appearing for respondent No. 2. Heard. The petitioners have challenged the impugned order dated 21st September, 1998 rendered by the learned Chief Secretary, Revenue Department, Government of Gujarat, Ahmedabad whereby revision application against the order of the

Collector, Ahmedabad came to be allowed and the order passed by the Collector was set aside. It is not in dispute that the proceedings with which the petitioners and the first respondents are concerned in this petition are the proceedings with regard to mutation of entries in revenue records. At the same time, it is also not in dispute between the private parties that there are civil proceedings pending before the Court of the learned Civil Judge, (S.D.), Ahmedabad Rural. In that view of the matter, entry consequent upon the impugned order will have to remain as a disputed entry and that will not affect the substantive right of the parties whatever they may be in the pending civil proceedings between the parties. Such endorsement will be made in the revenue record. With these observations, this petition is disposed of. Rule is discharged. No order as to cost.

11.12.1998. (M.S.Parikh,J.)

Vyas